

This is an unofficial representation of the incorporation by reference of subpart Eb into chapter 434. It is intended to display how the substitutions specified in WAC 173-434-110 look. This put forth as a convenience to the reader, not as an official version of any regulation.

Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

SOURCE: 60 FR 65419, Dec. 19, 1995, unless otherwise noted.

Effective January 1, 2004.

§ 60.50b Applicability and delegation of authority.

- (a) The affected facility to which this subpart applies is each municipal waste combustor unit with a combustion capacity greater than ~~250~~12 tons per day of municipal solid waste for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996.
- (b) Any waste combustion unit that is capable of combusting more than ~~250~~12 tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this subpart if the owner or operator:
 - (1) Notifies the EPA Administrator of an exemption claim;
 - (2) Provides a copy of the federally enforceable permit that limits the firing of municipal solid waste to less than 11 tons per day; and
 - (3) Keeps records of the amount of municipal solid waste fired on a daily basis.
- (c) An affected facility to which this subpart applies is not subject to subpart E or Ea of this part.
- (d) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with emission guidelines under subpart Cb are not considered a modification or reconstruction and do not result in an existing municipal waste combustor unit becoming subject to this subpart.
- (e) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this subpart if the owner or operator of the facility notifies the EPA Administrator of this exemption and provides data documenting that the facility qualifies for this exemption.
- (f) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this subpart if the owner or operator of the facility notifies the EPA Administrator of this exemption and provides data documenting that the facility qualifies for this exemption.
- (g) Any unit combusting a single item waste stream of tires is not subject to this subpart if the owner or operator of the unit:
 - (1) Notifies the EPA Administrator of an exemption claim; and
 - (2) [Reserved]
 - (3) Provides data documenting that the unit qualifies for this exemption.

- (h) Any unit required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subpart.
 - | (i) With respect to facilities constructed, reconstructed or modified before August 2, 2003. Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to this subpart.
 - | (j) With respect to facilities constructed, reconstructed or modified before August 2, 2003. Any cofired combustor, as defined under § 60.51b, that meets the capacity specifications in paragraph (a) of this section is not subject to this subpart if the owner or operator of the cofired combustor:
 - (1) Notifies the EPA Administrator of an exemption claim;
 - (2) Provides a copy of the federally enforceable permit (specified in the definition of cofired combustor in this section); and
 - (3) Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.
 - (k) Air curtain incinerators, as defined under § 60.51b, located at a plant that meet the capacity specifications in paragraph (a) of this section and that combust a fuel stream composed of 100 percent yard waste are exempt from all provisions of this subpart except the opacity limit under § 60.56b, the testing procedures under § 60.58b(l), and the reporting and recordkeeping provisions under § 60.59b (e) and (i).
 - (l) Air curtain incinerators located at plants that meet the capacity specifications in paragraph (a) of this section combusting municipal solid waste other than yard waste are subject to all provisions of this subpart.
 - (m) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit (as defined in § 60.51b) are not subject to this subpart if the owner or operator of the plastics/rubber recycling unit keeps records of the weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis; the weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and the name and address of the purchaser of the feedstocks. The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to this subpart.
 - (n) The following authorities shall be retained by the Administrator and not transferred to a State: None.
 - (o) This subpart shall become effective June 19, 1996.
 - | (p) With respect to facilities constructed, reconstructed or modified before August 2, 2003. Cement kilns firing municipal solid waste are not subject to this subpart.
- [60 FR 65419, Dec. 19, 1995, as amended at 62 FR 45120, 45125, Aug. 25, 1997]

§ 60.51b Definitions.

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Municipal solid waste or municipal type solid waste or MSW means household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or

temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff). Household, commercial/retail, and institutional wastes include:

- (1) Yard waste;
- (2) Refuse-derived fuel; and
- (3) Motor vehicle maintenance materials limited to vehicle batteries and tires except as specified in § 60.50b(g).

Municipal solid waste or municipal type solid waste or MSW include all materials that fit the definition of "solid waste" in WAC 173-434.

WAC 173-434-030(3) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, septage from septic tanks, dangerous waste, refuse derived fuel, solid waste derived fuel, problem wastes, and all materials which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. This definition includes, but is not limited to, all materials that fit the definitions of municipal solid waste in 40 CFR 60, subparts Cb, Ea, Eb, AAAA, or BBBB, as well as all materials that fit the definitions of commercial and industrial solid waste in 40 CFR 60, subparts CCCC or DDDD, in effect on July 1, 2002. Notwithstanding the above, solid waste does not include

- (a) creosote treated wood at facilities with an order of approval or Prevention of Significant Deterioration (PSD) permit issued after August 1, 2003, for burning such wood, provided that such wood has not been in or repeatedly splashed by marine or brackish water,
- (b) at a Portland cement plant,
 - (i) tires, and
 - (ii) beneficial industrial byproducts consumed as raw materials, such as bottom ash, slag, and gypsum board,
- (c) wood waste, or
- (d) sludge from waste water treatment plants.

Municipal waste combustor, MWC, or municipal waste combustor unit:

- (1) Means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at a plastics/rubber recycling unit (as specified in § 60.50b(m)). Municipal waste combustors do not include cement kilns firing ~~municipal solid~~

~~waste (as specified in § 60.50b(p))~~ less than 12 tons per day of solid waste (as defined in WAC 173-434-030). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

- (2) The boundaries of a municipal solid waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste pit or hopper and extends through:
- (i) The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber,
 - (ii) The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and
 - (iii) The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.
- (3) The municipal waste combustor unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set.

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[60 FR 65419, Dec. 19, 1995, as amended at 62 FR 45121, 45126, Aug. 25, 1997]

§ 60.52b Standards for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.

- (a) The limits for municipal waste combustor metals are specified in paragraphs (a)(1) through (a)(5) of this section.
- (1) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter in excess of 24 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.
 - (2) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that exhibit greater than 10 percent opacity (6-minute average).
 - (3) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain cadmium in excess of 0.020 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.
 - (4) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from the affected facility any gases that contain lead in excess of 0.20 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

- (5) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from the affected facility any gases that contain mercury in excess of 0.080 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.
- (b) The limits for municipal waste combustor acid gases are specified in paragraphs (b)(1) and (b)(2) of this section.
- (1) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain sulfur dioxide in excess of 30 parts per million by volume or 20 percent of the potential sulfur dioxide emission concentration (80-percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. The averaging time is specified under § 60.58b(e).
- (2) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain hydrogen chloride in excess of 25 parts per million by volume or 5 percent of the potential hydrogen chloride emission concentration (95-percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.
- (c) The limits for municipal waste combustor organics are specified in paragraphs (c)(1) and (c)(2) of this section.
- (1) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility for which construction, modification or reconstruction commences on or before ~~November 20, 1997~~June 20, 2005, shall cause to be discharged into the atmosphere from that affected facility any gases that contain dioxin/furan emissions that exceed 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen, for the first 3 years following the date of initial startup. After the first 3 years following the date of initial startup, no owner or operator shall cause to be discharged into the atmosphere from that affected facility any gases that contain dioxin/furan total mass emissions that exceed 13 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.
- (2) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility for which construction, modification, or reconstruction commences after ~~November 20, 1997~~June 20, 2005, shall cause to be discharged into the atmosphere from that affected facility any gases that contain dioxin/furan total mass emissions that exceed 13 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.
- (d) The limits for nitrogen oxides are specified in paragraphs (d)(1) and (d)(2) of this section.
- (1) During the first year of operation after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of 180 parts per million by volume, corrected to 7 percent oxygen (dry basis). The averaging time is specified under § 60.58b(h).

- (2) After the first year of operation following the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of 150 parts per million by volume, corrected to 7 percent oxygen (dry basis). The averaging time is specified under § 60.58b(h).

[60 FR 65419, Dec. 19, 1995, as amended at 62 FR 45121, 45126, Aug. 25, 1997]

§ 60.53b Standards for municipal waste combustor operating practices.

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§ 60.54b Standards for municipal waste combustor operator training and certification.

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§ 60.55b Standards for municipal waste combustor fugitive ash emissions.

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§ 60.56b Standards for air curtain incinerators.

On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, the owner or operator of an air curtain incinerator with the capacity to combust greater than ~~250~~12 tons per day of municipal solid waste and that combusts a fuel feed stream composed of 100 percent yard waste and no other municipal solid waste materials shall at no time cause to be discharged into the atmosphere from that incinerator any gases that exhibit greater than 10-percent opacity (6-minute average), except that an opacity level of up to 35 percent (6-minute average) is permitted during startup periods during the first 30 minutes of operation of the unit.

[60 FR 65419, Dec. 19, 1995, as amended at 62 FR 45126, Aug. 25, 1997]

§ 60.57b Siting requirements.

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§ 60.58b Compliance and performance testing.

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§ 60.59b Reporting and recordkeeping requirements.

- (a) The owner or operator of an affected facility with a capacity to combust greater than ~~250~~12 tons per day shall submit, on or before the date the application for a construction permit is submitted under 40 CFR part 51, subpart I, or part 52, as applicable, the items specified in paragraphs (a)(1) through (a)(4) of this section.

- (1) The preliminary and final draft materials separation plans required by § 60.57b(a)(1) and (a)(5).
- (2) A copy of the notification of the public meeting required by § 60.57b(a)(1)(ii).
- (3) A transcript of the public meeting required by § 60.57b(a)(2).
- (4) A copy of the document summarizing responses to public comments required by § 60.57b(a)(3).

- | (b) The owner or operator of an affected facility with a capacity to combust greater than ~~250~~12 tons per day shall submit a notification of construction, which includes the information specified in paragraphs (b)(1) through (b)(5) of this section.
- (1) Intent to construct.
 - (2) Planned initial startup date.
 - (3) The types of fuels that the owner or operator plans to combust in the affected facility.
 - (4) The municipal waste combustor unit capacity, and supporting capacity calculations prepared in accordance with § 60.58b(j).
 - (5) Documents associated with the siting requirements under § 60.57b (a) and (b), as specified in paragraphs (b)(5)(i) through (b)(5)(v) of this section.
- (i) The siting analysis required by § 60.57b (b)(1) and (b)(2).
 - (ii) The final materials separation plan for the affected facility required by § 60.57b(a)(10).
 - (iii) A copy of the notification of the public meeting required by § 60.57b(b)(3)(ii).
 - (iv) A transcript of the public meeting required by § 60.57b(b)(4).
 - (v) A copy of the document summarizing responses to public comments required by § 60.57b (a)(9) and (b)(5).

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